

then might also have discussed with Mr. Nussbaum, and that Mr. Nussbaum knew that Mrs. Clinton was involved in hiring Craig Livingstone. The lack of such evidence renders that supposition untenable and provides no basis for prosecution.

Finally, the circumstances surrounding the preparation of the insert itself, which was the principal evidence relied upon by the Attorney General in seeking the appointment of an independent counsel, failed to corroborate its accuracy. Absent evidence to corroborate both the substance of the statement in the insert or even that Mr. Nussbaum said what the insert claims he said, the Independent Counsel concluded that the United States could not prove beyond a reasonable doubt that Mr. Nussbaum's testimony before the House Committee was false. Prosecution therefore has been declined, and this report now closes the matter.

III. SUMMARY OF INVESTIGATIVE STEPS

Following the expansion of this Office's jurisdiction by the Special Division to include the FBI Files matter, the OIC assembled a team of attorneys, agents, paralegals, and support staff to conduct the investigation. When the Special Division expanded the OIC's jurisdiction again to include the allegations regarding Mr. Nussbaum, much of the evidence relating to those allegations had already been developed in the investigation of the FBI Files matter. The OIC staff reviewed that evidence for